

REMARKS

This Amendment is being filed responsive to the April 28, 2005 Office action issued in connection with the above-identified patent application. Prior to entry of the above amendments, claims 1-3, 10 and 16-31 were pending and were rejected. By the above amendments, claims 1, 10, 22 and 29 are amended. Reconsideration of the final Office action is requested in view of the foregoing amendments and the following remarks.

In the Office action, claims 1-3, 16-18, 21-23, 25-27, 29 and 31 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,814,003 to Knox et al. ("Knox"). Claims 10, 19, 20, 24, 28 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Knox.

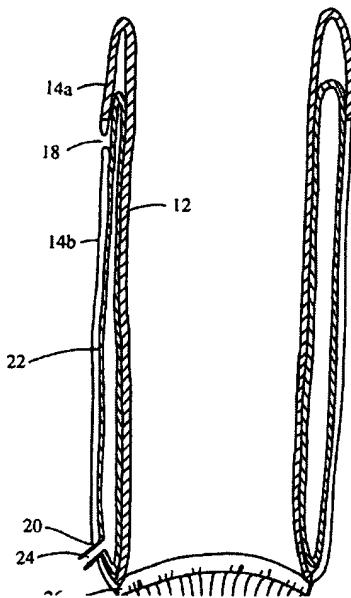
Applicant has studied the cited reference in view of the pending claims and the reasons expressed in the Office action. Applicant respectfully disagrees that the subject matter of all the original claims was anticipated or rendered obvious by the cited reference. However, Applicant has made various clarifying amendments to the claims, as presented above and as discussed below, to more clearly recite subject matter that is neither disclosed by nor suggested in the cited reference. As an initial matter, Applicant notes that claims 22 and 29 were amended to remove a redundancy in language that resulted from the amendment to claim 1. In the following discussion, Applicant first discusses the amendment to independent claim 1, from which claims 2, 3 and 16-31 depend. Applicant follows with a discussion of two representative claims that depend from claim 1 (i.e., claims 10 and 22) to present illustrative reasons why this claim is believed to recite subject matter that is neither disclosed by nor suggested in the cited reference.

Amended Claim 1

Independent claim 1 has been amended to recite, amongst other subject matter, a sock with a body having exterior and interior surfaces with openings through the body of the sock sized to allow a second sock to be threaded through the openings.

Applicant agrees with the Examiner that Knox discloses a sock with spaced apart openings. However, Applicant respectfully disagrees with the Examiner that Knox discloses or suggests a sock with openings through the exterior and interior surfaces of the sock as recited in Applicant's amended claim 1. Instead, Knox discloses only that spaced apart openings may be present in one layer of a two-layer sock, such that an internal compartment is formed to enclose a bladder. The disclosure of Knox is discussed below to point out this distinction, including the fact that the sock of Knox teaches away from the subject matter recited in amended claim 1.

Knox discloses two configurations of a sock with openings, though the relevant portions of both configurations are present in the single figure reproduced below for the Examiner's convenience.



With reference to the Figure, the sock of Knox includes an inner sleeve 12, an outer sleeve 14 including a relatively small upper section 14a and a major portion 14b, and first and second openings 18, 20. A pocket is formed between inner and outer sleeves 12 and 14 and is configured to contain a pulsatile bladder 22, which may be inserted through relatively larger opening 18 such that the bladder's associated tubing 24 extends outward through relatively smaller opening 20. The sock of Knox is designed to stably and comfortably secure a pulsatile bladder to a user's body by way of a cylindrically shaped pocket between inner and outer sleeves of the sock. The sock does not include openings through the body of the sock, as the body is defined in Applicant's amended claim 1. Instead, Knox notes that "one of said inner and outer sleeves includes at least one opening" (col. 6, lines 55-56; emphasis added). Knox also discloses that at least one of the openings in a sleeve is a "relatively smaller opening" sized to "enable[e] tubing associated with a pulsatile bladder to extend outwardly" from a pocket (col. 6, lines 13-16). Accordingly, it follows that Knox does not disclose or suggest a sock with openings through the external and internal surfaces of a sock, where the internal surface is adapted to contact a wearer, and where the openings are sized to allow a second sock to be threaded through them. The unsuitability of the relatively smaller opening for use in accommodating and securing a sock is evident in the drawings in Knox, since the smaller opening is visibly too small to receive the sock of Knox.

For at least the above reasons, Applicant believes that Knox does not disclose or suggest a sock as recited in Applicant's amended claim 1. As such, and upon consideration of amended claim 1, Applicant requests that the rejection of claim 1 based on Knox be withdrawn.

Amended Claim 10

Claim 10 depends from claim 2 and recites, amongst other subject matter, a sock with a body having openings through the body of the sock, where the openings are configured as parallel slits sized to allow a second sock to be threaded through the parallel slits, and where the parallel slits are spaced apart a distance that is not more than one-half the length of the body of the sock.

Applicant agrees with the Examiner that Knox discloses a sock with spaced apart openings. However, Applicant respectfully disagrees with the Examiner that it would have been obvious to modify Knox to provide a sock with parallel slits that are positioned through the body of the sock, and where the parallel slits are spaced apart a distance that is not more than one-half the length of the body of the sock, as recited in Applicant's amended claim 10. Knox discloses spaced apart openings that are proximate each end of the sock. For example, Knox notes that "the bladder insertion opening is located proximate the upper end of the outer sleeve" and that "the tubing opening...is located proximate the lower end of the outer sleeve" (col. 3, lines 4-8). As such, Knox discloses that the spaced-apart openings are separated by more than one-half the length of the body of the sock. Such an arrangement of two openings is advantageous to the sock of Knox, as noted in the specification of Knox, since it allows a user to insert a bladder into the first, upper, opening with the tubing extending outwardly through the second, lower, opening (col. 4, lines 45-52). Knox teaches away from a spacing of the parallel slits as recited in Applicant's amended claim 10 when Knox notes that the maximally spaced openings, one proximate each end of the stocking, are a "preferred form of the invention" (col. 3, line 4) designed to "extend along the length of a wearer's limb" (col. 4, lines 21-22) and to allow a bladder to extend the full length of the sock (Figure 3). As such, the Examiner's proposed

modification of Knox conflicts with the teaching of the reference. In addition, the Examiner's proposed modification would destroy the intended function of the reference either by making a full-length bladder more difficult to implement in the sock of Knox, or by forcing a reduction in the size of the inserted bladder and thus taking away a limb-length compressive force. For at least the above reasons, Applicant believes that a sock with slits through the body of the sock, where the slits are spaced apart not more than one-half the length of the sock, patentably distinguishes Knox. As such, and upon consideration of amended claim 10, Applicant requests that the rejection of claim 10 be withdrawn.

Amended Claim 22

Claim 22 depends from claim 1 and further recites that the body of the sock of claim 1 includes a swatch attached to the internal surface of the body. As recited in amended claim 1, at least a portion of the internal surface of the body of the sock is adapted to contact a wearer. As discussed above, Knox does not disclose openings through the body of the sock, where the body of the sock includes an internal surface where at least a portion of the surface is adapted to contact a wearer. Knox likewise does not disclose a swatch attached to an internal surface of the body of the sock, or on any other portion of the sock. Knox discloses only that the internal or external sleeve may have openings through which a pulsatile bladder may be inserted and through which its associated tubing may protrude. Indeed, placing a swatch of fabric on either sleeve of the sock disclosed in Knox may make the sock unsuitable for its intended purpose. Placing a swatch on an internal sleeve of the Knox sock may interrupt the elasticity that is essential to the graduated compression feature of the sock or may make the tight-fitting sock more uncomfortable. Placing a swatch on an external sleeve of the Knox sock may interfere with insertion and removal of both the pulsatile bladder and its associated tubing. As such,

Applicant submits that these requirements of the cited reference teach away from the inclusion of a swatch on either sleeve of the disclosed sock. For at least this reason, Applicant submits that claim 22 should be allowed.

Additional Claims

Claims 2, 3, 16-21 and 23-31 also depend from claim 1 and therefore should be allowed when claim 1 is allowed. In view of the patentable distinction between amended claim 1 and the disclosure of Knox, Applicant is not providing a detailed discussion of each of these dependent claims.

With the entry of the above amendments, and for the reasons discussed herein, Applicant submits that all of the issues raised in the first Office action have been addressed and overcome. If there are any remaining issues or if the Examiner has any questions, Applicant's undersigned attorney may be reached at the number listed below. Similarly, if the Examiner believes that a telephone interview may be productive in advancing prosecution of the present application, the Examiner is invited to contact Applicant's undersigned attorney at the number listed below.

Respectfully submitted,

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